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## **OLR Bill Analysis**

**sSB 803 (File 650, as amended by Senate “A”)\***

### ***AN ACT CONCERNING ENTREPRENEURIAL PROGRAMS FOR THE NEXT GENERATION OF OYSTER HARVESTERS.***

#### **SUMMARY:**

By law, the Department of Agriculture (DoAG) commissioner must license and inspect aquaculture producers who cultivate and harvest aquatic animals. This bill expands the definition of aquaculture producer to include one who cultivates and harvests aquatic plants, including seaweed, for various purposes (e.g., food, feed, or fertilizer). Under the bill, to receive an aquaculture producer license, seaweed or aquatic plant producers must (1) be registered with the U.S. Food and Drug Administration as a food facility, (2) pass inspection by the Department of Consumer Protection, and (3) receive species approval from the DoAG commissioner. The law allows the commissioner to assess civil penalties, up to \$2,500 per violation and \$250 per day of a continuing violation (CGS § 22-7). He may also issue cease and desist orders (CGS § 22-4d).

The bill also allows the DoAG commissioner to issue a nontransferable license, for up to five years, to anyone who wants to plant and cultivate seaweed within Connecticut’s coastal waters. Anyone issued a seaweed license can buy, possess, ship, transport, or sell seaweed approved by the commissioner. Any such license must be subject to an annual fee of \$25 per acre. Anyone who has a shellfish grounds lease is exempt from this seaweed license fee.

The bill prohibits the commissioner from granting a seaweed license if it would conflict with an “established right” of fishing or shellfishing. The bill does not indicate how someone receives a right. Presumably, a right is established when a person is granted a privilege through a license or contract. The bill specifies that any seaweed

license that interferes with established rights is void. Anyone who interferes with a person's enjoyment of his or her seaweed license is subject to a fine of up to \$500, imprisonment for up to six months, or both.

The bill authorizes the commissioner to adopt implementing regulations.

Lastly, the bill increases deposits into the Shellfish Fund by allowing the commissioner to divert a portion of the deposits that currently go into the "expand and grow Connecticut agriculture" account.

\*Senate Amendment "A" replaces the underlying file, which required the departments of Economic and Community Development and Public Health to study, respectively, the (1) development of entrepreneurial programs for young oyster harvesters and (2) public health effects of eating certain eastern oysters.

EFFECTIVE DATE: Upon passage

## **AQUATIC PLANTS**

The bill defines "aquatic plants" as fresh or saltwater algae and plants, including aquatic macrophyte, microalgae, macroalgae (i.e., seaweed) species intended for sea vegetable, biofuel, animal feed, fertilizer, medical, industrial, or other commercial applications. "Seaweed" is a marine macroalgae species the commissioner approves for cultivation in Long Island Sound.

## **SEAWEED LICENSE**

Anyone issued a seaweed license must make a good faith effort to cultivate and harvest seaweed from the licensed area. A license can be renewed. A licensee who meets his or her obligations under the license will be given preference for license renewal for a similar term and purpose as the original license. But the commissioner is prohibited from renewing a license if the licensee fails to pay the required license fee. Also, the commissioner cannot renew a license unless he advertises the pendency of the renewal application. The commissioner can deny a license renewal if, for cause, he decides to

stop licensing the grounds for seaweed cultivation.

The bill allows the DoAG's Bureau of Aquaculture, Department of Energy and Environmental Protection's Office of Long Island Sound Programs, and the Army Corps of Engineers to subject any seaweed licensee to the laws that require permits and authorizations for dredging and erecting and maintaining structures.

### **SHELLFISH FUND**

The bill requires the DoAG commissioner to deposit a portion of the fees he collects from utility companies into the Shellfish Fund. Specifically, he must deposit into the Shellfish Fund and the "expand and grow Connecticut agriculture" account 75% of the fee he assesses the owners of certain facilities that cross Long Island Sound (e.g., electric power lines or gas pipelines). The bill allows the commissioner to determine the portion of the 75% to be deposited in each account. By law, he must deposit the remaining 25% of the proceeds in the General Fund.

By law, the commissioner collects an annual fee of 40 cents per linear foot of the facility located in Connecticut. The fee applies to facilities that require either (1) a certificate of environmental compatibility from the Connecticut Siting Council or (2) Federal Energy Regulatory Commission approval.

The law allows the commissioner to use the Shellfish Fund for the state shellfish program. Under the program, the DoAG may purchase cultch (shell or other material upon which young oysters can fasten), management supplies, material, and spawn oyster stock.

### **BACKGROUND**

#### ***Legislative History***

The Senate referred the bill (File 61), which dealt with aquaculture, to the Energy and Technology Committee, which reported a substitute bill that required the departments of Economic and Community Development and Public Health to study, respectively, the (1) development of entrepreneurial programs for young oyster harvesters

and (2) public health effects of eating certain eastern oysters.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 17 Nay 11 (03/04/2013)

Energy and Technology Committee

Joint Favorable Substitute

Yea 20 Nay 0 (04/18/2013)